

# FOREIGN POLICY ASSOCIATION

## Information Service

EIGHTEEN EAST FORTY-FIRST STREET, NEW YORK CITY

*Fact data on international questions for reference use*

VOL. II—NO. 4

APRIL 24, 1926

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Issued fortnightly by the FOREIGN POLICY ASSOCIATION, 18 East 41st St., New York City.  
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## The Turco-American Treaty of Lausanne

AFTER more than two years' delay, final action on the Lausanne treaty restoring regular diplomatic and commercial relations with Turkey appears imminent. Senator Borah, Chairman of the Senate Committee on Foreign Relations, has announced that he will press for ratification before Congress adjourns, and the Administration is urging an early vote. Following settlement of the Italian debt, ratification of the Lausanne treaty looms as the outstanding question of foreign policy before the country. This report contains a careful analysis of the treaty provisions together with the positions of supporters and opponents of the agreement in this country, and an historical summary of events leading up to the signing at Lausanne.

The treaty, sometimes called the Turco-American Treaty of Amity and Commerce, was signed on August 6, 1923, by Joseph C. Grew, the American Ambassador to Switzerland. The treaty came before the American Senate on May 3, 1924, when it was read the first time and referred to the Committee on Foreign Relations. Nine months

later, on February 23, 1925, it was favorably reported, with a vote of 9 to 1 for ratification. Senator Swanson of Virginia, the ranking Democrat on the Committee, opposed ratification. On March 13, owing to opposition which developed within the Senate itself under the leadership of Senator King of Utah, that body agreed to recommit the treaty to the Foreign Relations Committee, effectively shelving action during the 1925 session. The desire of the Administration to clarify diplomatic and commercial relations with Turkey is even greater now than it was fourteen months ago, and it is intended that during this session the Senate shall reach a definite decision either to ratify or to reject the treaty.

The treaty is accompanied by supplementary letters and declarations embodying Turkey's undertakings with respect to the future treatment of American institutions in Turkey and the improvement of the Turkish judicial service and sanitary administration. The principal provisions of the arrangement as constituted by the treaty and these supplementary letters and declara-

rations have been succinctly described in the following words by Edgar W. Turlington, former Assistant to the Solicitor of the Department of State at Washington:

**ANALYSIS OF  
TREATY TERMS**

"1. The contracting parties join in declaring the régime of the capitulations in Turkey to be completely abrogated. In matters of personal status, domestic relations and personal succession, which were formerly within the jurisdiction of American consular tribunals, American citizens in Turkey are to be subject exclusively to the jurisdiction of American tribunals or authorities sitting outside Turkey. American citizens, equally with the nationals of the Allied countries, will benefit by the execution of the declaration regarding the administration of justice in Turkey.\*

"2. American philanthropic, educational and religious institutions recognized prior to October 30, 1914, will continue to be recognized by the Turkish authorities and the situation of such institutions existing but not recognized on July 24, 1923, will be favorably examined by the authorities with a view to regularizing their position. With respect to fiscal charges these institutions will receive the same treatment as similar Turkish institutions; and in general, due regard being had to the essential conditions of their operation, they are to be, equally with Turkish institutions, subject to Turkish laws, regulations and administrative arrangements of a public character.

"3. The nationals of each of the contracting parties, subject to compliance with the local laws and regulations, including those regarding immigration, are to have complete liberty to enter and establish themselves in the territory of the other party; and while in such territory they are to enjoy the most constant protection and security for their property and their persons in accordance with generally recognized international law. They are assured, specifically,

upon compliance with the local laws and regulations, complete liberty of conscience and worship; free access to courts of justice; the right to acquire, possess and dispose of movable property; the right, subject to reciprocity, to acquire, possess and dispose of immovable property so far as may be allowed by the local laws to foreigners in general; and the right to engage without hindrance 'in every kind of profession, industry or commerce not forbidden by the local laws to all foreigners.' (The last of the rights here enumerated is worthy of special note for the reason that in the Allied-Turkish 'establishment' convention, Article 4, the question of the right to engage in 'the different forms of commerce, professions and industry' was reserved for separate conventions to be concluded between Turkey and the Allies within twelve months from the coming into force of the 'establishment' convention. A similar reservation was opposed by the American plenipotentiary at Lausanne, with the result that a formula was worked out under which American citizens in Turkey will be accorded any right in this regard which may be accorded to other foreigners.)

"4. Commercial, industrial and financial concerns organized and maintaining their head offices in either country are to be recognized in the other country and to be accorded the same protection as the nationals of their country.

"5. Domiciliary visits and searches in dwellings and other buildings of citizens and concerns of either of the contracting parties may be effected only in accordance with laws, regulations and ordinances equally applicable to nationals of the country in which the buildings are situated.

"6. The nationals of each country in the territory of the other are to be exempt from military service and from contributions in lieu thereof, and both individuals and companies are to be exempt from forced loans or other exceptional levies on property.

"7. With respect to taxes the nationals of each country in the territory of the other are to be accorded the same treatment as natives of the country, and the companies of each country in the territory of the other are to enjoy the same treatment as any similar foreign companies.

\*In a declaration signed by the members of the Turkish delegation at Lausanne on July 24, 1923, the ability of the Turkish authorities "to insure to foreigners before the Turkish courts all the safeguards of a good judicial system" was affirmed. To aid in the establishment of the new juridical régime on a thoroughly satisfactory basis the Turkish Government undertook to employ a number of European legal counsellors to serve under the Turkish Minister of Justice for a minimum period of five years. These foreign jurists would participate in the work of legislative commissions, observe the working of the Turkish courts, report their observations to the Minister of Justice, and receive and bring to the attention of the Minister of Justice complaints regarding the judicial administration or the activities of the police.

"8. Most-favored-nation treatment is mutually assured as regards freedom of commerce and navigation; import and export duties; consumption and excise taxes; transit duties and drawbacks; and the protection of patent and trademark rights.

"9. Merchant and war vessels and aircraft of the United States are to enjoy complete liberty of navigation and passage in the Straits on a basis of equality with similar vessels and aircraft of the most-favored foreign nation, subject to the rules prescribed in the Allied-Turkish Straits convention. (The United States, it should be noted, assumed no obligations of a political or military character with respect to the execution of the Straits convention.)

"10. The rights and duties of consular officers are defined in accordance with international law and with provisions in existing treaties between the United States and other countries."

#### QUESTIONS NOT TOUCHED BY AGREEMENT

The Turco-American Treaty of Amity and Commerce contains no clauses safeguarding the rights in Turkey of former Turkish nationals who have become naturalized Americans but who are still claimed as citizens by Turkey. On the occasion of the signing of the treaty Mr. Grew reminded Ismet Pasha that an article on this subject had appeared in the initial American draft of the treaty and that in consenting to omit it the American delegation had urged that a separate convention on this point be concluded at an early date. Ismet Pasha replied that the Turkish Government had not changed its mind as to the conditions and consequences of the naturalization of Turkish nationals, but promised to recommend to his Government the commencement of special negotiations on the subject.

Because of the traditional policy of the United States not to intervene in purely European and Asiatic affairs, the treaty contains no clauses associating the United States with Great Britain, France, Italy, Japan, Greece, Rumania and Jugoslavia in guaranteeing protection, under the supervision of the League of Nations, to racial and religious minorities in Turkey.

As respects duration, the clauses of the

treaty are divided into three categories. The first two articles, whereby the Capitulations are abolished and each of the high contracting parties agrees to accord most-favored-nation treatment to the diplomatic officers of the other, are to have permanent duration. Articles 3 to 8 inclusive, regulating the general conditions under which nationals of each country may reside and do business in the territories of the other, are allotted a duration of seven years from the coming into effect of the treaty. The remaining articles, regulating conditions of trade and commerce, and defining the rights and duties of consular officers, are to have a duration of five years. Provision is made for automatic extension of the second and third groups of articles in the event that neither of the high contracting parties denounces them upon expiry of the minimum period of duration. At any time thereafter these clauses may be revoked upon six months' notice being given by either of the high contracting parties.

#### DIVERGENT VIEWS OF TREATY'S MERITS

A sharp division of opinion has developed in the United States as to the appropriateness of ratifying the pending Lausanne Treaty. Although the Democratic Party is officially committed to non-ratification the division of opinion cuts across political party lines. It also cuts across other recognized lines, such as business, professional, religious and philanthropic interests. For example, the recently organized American Committee Opposed to Ratification of the Lausanne Treaty, counts among its members Democrats and Republicans, former ambassadors, journalists, returned missionaries, university presidents and professors, and persons who have played a part in international as well as national affairs. In addition to these, a group of one hundred and nine bishops of the Protestant Episcopal Church has gone on record as opposing ratification. The Commission on International Relations of the Congregational National Council, on the other hand, officially supports ratification, while among the active supporters of the treaty are to be found both Democratic and Republican citizens whose national standing is similar to that of the opponents of the treaty. They

include legislators, university professors, returned missionaries, religious leaders and business men. The missionaries, relief workers and business and commercial groups now resident in Turkey are practically unanimous in supporting ratification,

and the Coolidge Administration is strongly committed in favor of the treaty.

The following specific considerations have been adduced by opponents and supporters of the pending treaty in justification of their respective attitudes:

### SUMMARY OF ARGUMENTS FOR AND AGAINST RATIFICATION

#### OPPONENTS OF THE TREATY

1. The United States and Turkey have not been at war with each other. The treaties of 1830 and 1874 are therefore still valid in spite of a Turkish declaration to the contrary. There is accordingly no obligation to enter now into a new treaty with Turkey.
2. The United States is not morally bound to acquiesce in terms of treaties negotiated between Turkey on the one hand and the Allies who had been at war with Turkey on the other. The latter had been willing to make considerable concessions of an economic and judicial character to Turkey because, in return for these concessions, they had made important territorial gains. But the United States has had no share in these territorial gains and should not be expected to make the same concessions.
3. The advantages of most-favored-nation treatment accorded to the United States by the treaty are of little or no importance compared with the proposed surrender of American extraterritorial rights. The corruption of Turkish law courts is notorious, and American nationals should not be subjected to arbitrary treatment at the hands of Turkish magistrates, upon whose activities no external check may be imposed if at the close of the five-year period the Turkish government should choose to dismiss the European jurists employed to facilitate the reform of the Turkish judicial system. Although European countries which took part in the war against Turkey have been forced to allow their nationals to be subjected to the uncertainties of the Turkish law courts, there is no justification for forcing American nationals into a similar position. American extraterritorial rights in Turkey were based on the treaty of 1830 and no validity can attach to their unilateral abrogation by the Sultan's declaration of 1914 or to the signing away by the Allies in 1923 of the extraterritorial rights of their nationals. The American Government should insist that Turkey abide by the Treaty of 1830 in this

#### SUPPORTERS OF THE TREATY

1. Although it is within the rights of the United States to regard the treaties of 1830 and 1874 as being still valid, it is nevertheless true that the revision of those treaties has been made imperative by the revolution and the subsequent wars which have transformed Turkey from a weak empire, almost completely under the domination of European powers, to a nationalist republic determined to occupy an independent position.
2. A suspicion that the United States is endeavoring to retain in Turkey special rights accorded to no one else and in derogation of Turkish sovereignty would have an unfortunate effect upon Turco-American relations. A result of non-ratification would be to make impossible the continuance of American institutional work in Turkey.  
Although the treaty is unsatisfactory in certain respects, it represents the best terms that could be obtained from Turkey in 1923 without resort to war. Fresh negotiations initiated at the present time would in all probability fail to achieve as great a degree of satisfaction for American claims as the present treaty has done.
3. The United States is bound to relinquish extraterritorial rights in Turkey:
  - (a) Because these cannot be enforced against the will of Turkey except at the point of the sword, and the United States has no intention of resorting to force for their reimposition.
  - (b) Because the United States cannot demand the retention in its own case of extraterritorial rights that have been relinquished by the other leading powers.

## OPPONENTS (Continued)

respect until such time as the Turkish law courts shall have demonstrated their ability to handle with impartial justice cases affecting Americans resident in Turkey.

4. American schools, hospitals, and other establishments in Turkey are not guaranteed immunity from annoying restrictions which may at any time be enacted by the Turkish government, affecting not only details of administration but even the personnel employed by such institutions. In view of the disinterested character of these institutions, and in view of the important work carried on by them, it is only reasonable to expect and demand that they be accorded the same degree of freedom in the future as existed in practice under the treaty of 1830.
5. The treaty does not safeguard the rights of naturalized American citizens resident in Turkey. Contrary to usual international practice, Turkey does not recognize that a former Turkish citizen on acquiring American citizenship loses his original nationality. A reasonable agreement on this point should be incorporated in any treaty to which the United States becomes party, and should not be left to subsequent negotiations.
6. Trade with Turkey forms such a negligible fraction of American trade as a whole that it would be absurd to pay for its promotion by the sacrifice of other more important interests.
- 7a. The United States is under moral obligation not to abandon its responsibilities toward Armenians who, by reason of the long-continued humanitarian activities of the United States, are entitled to expect diplomatic support of their rights by this country. But the present treaty contains no clauses to safeguard the rights of Armenians or other Christian groups in Turkey and makes no provision for an Armenian national home outside the jurisdiction of Turkey to which Armenians now in exile may return. The treaty should contain a clause guaranteeing the independence of Armenia, whose boundaries should be established in accordance with the terms of President Wilson's arbitral award so as to include areas now in the possession of Turkey. This would provide an adequate national home for Armenians now scattered throughout the world.

## SUPPORTERS (Continued)

4. Guarantees of special privileges for American institutions in Turkey cannot be granted by the Turkish Government unless similar privileges are conferred upon other foreign institutions, not all of which have been as disinterested as the American establishments. That American educators and missionaries now resident in Turkey anticipate a liberal interpretation of the undertakings of the Turkish Government toward their institutions is indicated by the fact that the majority of them are actively advocating ratification of the treaty.
6. American business men in Turkey strongly advocate ratification of the treaty. Non-ratification would result in the subjection of American trade to discriminatory dues levied on the goods of nations which have no treaty with Turkey.
- 7a. The United States has never officially adopted a policy of intervention for the protection of Armenians, although European Governments long ago committed themselves to responsibility on behalf of Christian minorities in the Ottoman Empire. The inclusion of articles in the present treaty for the protection of Armenians in Turkey or the establishment of an independent Armenia would be a reversal of our traditional policy. Quite aside from this consideration, however, the omission of clauses for the establishment of an Armenian national home is justified by the fact that such a national home already exists, albeit in a form not originally contemplated by its American advocates. The Republic of Armenia, although it is too poor at the present moment to attempt to assimilate all Armenian refugees awaiting repatriation, is at least guaranteed immunity from Turkish invasion by the Russo-Turkish treaty of March, 1921. It would have been impossible to demand enlargement of Armenia's boundaries at the expense of Turkey so as to cause them to coincide with the proposed boundary award of President Wilson, since such a policy would have involved not only a preliminary war against Turkey, in which the United States was not in the least disposed to engage, but would have subjected Armenia once more to the constant menace of Turkish invasion and massacre, now effectively obviated by virtue of Russian protection.

**OPPONENTS (Continued)**

7b. No peace should be made with a Government which is directly responsible for the massacre of thousands of Armenians during the years of general disturbance, unless adequate guarantees are exacted to prevent the recurrence of similar atrocities in the future. That such recurrence is not only possible but probable is indicated by the report of recent wanton destruction of life in the Christian area north of the Mosul boundary, where Turkish soldiers, concentrated in readiness for war with Great Britain for the possession of Mosul, committed depredations on Christian villages and finally organized and carried out wholesale deportations, ostensibly to clear the area for the impending struggle with Great Britain. The deportations were conducted not only with severity, but with revolting cruelty, many having become victims of massacre.

8. It is suspected that the abandonment of Armenia and the relinquishing of American rights were agreed to by the American representatives at Lausanne as a price for securing important commercial privileges in Turkey, especially the well-known Chester concession involving the right to exploit a very considerable proportion of Turkey's natural resources.

**SUPPORTERS (Continued)**

7b. Although the depredations committed upon Turkish communities by Armenians within recent years have received less publicity in this country than cases of similar disorder in which Armenians have been the victims, it is true that the double problem exists. According to the report of Major-General James G. Harbord, in the regions "where Armenians advanced and retired with the Russians their retaliatory cruelties unquestionably rivalled the Turks in their inhumanity." The Russian invasions of Eastern Turkey (1915-1917) led to the expulsion from their homes of about 800,000 Moslem refugees. Atrocities have not been one-sided. This country cannot undertake to preserve order within Turkey except on the basis of military intervention, which is entirely out of the question. To retain the confidence of Turkey by honoring the signature of the American plenipotentiary is the only practical method whereby the United States can hope to influence Turkey to observe strictly the undertakings it has already made to the Allies for the protection of minorities under guarantee of the League of Nations.

8. The suspicion that the Chester concessions played a secret part in determining the terms of the treaty is probably unfounded. The American Secretary of State has declared that at no stage in the negotiations was the American position determined by the Chester concession.

**RESERVATIONS PROPOSED  
BY OPPONENTS**

The American Committee Opposed to the Ratification of the Lausanne Treaty, through which opponents of the treaty have formally expressed their objections, advocates either the negotiation of an entirely new compact or the adoption of four reservations to the pending treaty. The first of the proposed reservations would ensure the right of American citizens to have recourse to consular courts, as provided by the treaty of 1830, until such time as the President of the United States shall receive satisfactory information that the government of Turkey has organized other tribunals on a basis likely to secure impartial justice to United States citizens. Meanwhile the United States would not refuse to recognize in principle the abrogation of the Capitulations. The second reservation would provide for a continuance of the same degree of academic and religious freedom for

American establishments in Turkey as existed under the Treaty of 1830. The third would secure recognition of the altered status of former Turkish nationals who have become American citizens. The fourth would provide for the recognition of Armenia as a free and independent state by the United States and Turkey, the accepted boundary of Armenia being that determined by the arbitration of President Wilson.

Committees specially appointed by the Foreign Policy Association, New York, and the Chicago Council on Foreign Relations to investigate the Turco-American treaty and its historical backgrounds reported in favor of ratifying the treaty without reservation. The Foreign Policy Association, following its regular procedure, took no action in the matter, but made the report of its committee available to the public. Among the members of its committee were Professor Philip Marshall Brown, professor of international law at Princeton University and former

Chargé d' Affaires at the American Embassy in Constantinople; Samuel McCrea Cavert, General Secretary of the Federal Council of the Churches of Christ in America; Lawrence Moore, Acting Secretary of the American Colleges in Turkey; Professor W. L. Westermann, of the Department of History at Columbia University, who headed the Near Eastern Division of the American Commission to negotiate peace in 1919 at Paris; E. E. Pratt, Secretary of the American Chamber of Commerce for the Near East, and Professor Edward Mead Earle, head of the Department of History at Barnard College, Columbia University, specialist in contemporary history of the Near East. The Chicago committee included Professor Quincy Wright, of the Department of Political Science, and Professor Ferdinand Schevill, of the Department of History, both at the University of Chicago.

#### **HISTORICAL BACKGROUND OF LAUSANNE SETTLEMENT**

The chief source of disagreement between the opponents and supporters of the pending treaty lies not so much in a difference of opinions concerning details in the historical background of the treaty, as in differing interpretations of historical events whose authenticity both groups acknowledge. The historical facts may be outlined as follows:

Prior to the war, Turco-American relationships were regulated by the treaties of 1830 and 1874. By the former treaty the United States was permitted to share in the privileges accorded to foreigners under the terms of the Capitulations conceded by the Turkish Sultans to European nations whose subjects were to be found residing and doing business in Turkey. Under this treaty American citizens accused of penal offenses were arrested and tried not by Turkish authorities but by an American consul or minister. American citizens involved in civil suits with Turkish nationals were tried in Turkish courts but only in the presence of an American dragoman, while Americans involved in civil suits with other foreigners were tried in foreign consular courts. Another advantage derived from the treaty of 1830 was the exemption of American nationals from direct taxation and from the payment of customs dues over 11 per cent *ad*

*valorem*. American merchants were allowed most-favored-nation treatment both as regards the general conduct of business and as regards passage of the Straits by their vessels.

The treaty of 1874 established an extradition arrangement between Turkey and the United States; and a protocol of the same year regulated the ownership of real estate by American nationals in Turkey and provided that domiciliary visits might be made by Turkish authorities in homes of American nationals only in the presence of an American official.

#### **TURKEY ABROGATES THE CAPITULATIONS**

In September 1914 the Sultan of Turkey formally announced the abrogation of the Capitulations on the ground that they were incompatible with the principle of national sovereignty and the juridical rules of the century. The United States protested Turkey's action, as did the European nations, declaring that unilateral abrogation of rights established under a bilateral treaty could not be valid. Since that time the position of American nationals in Turkey has been anomalous, the Turkish authorities insisting on the validity of the Sultan's action and the United States contending that the provisions of the treaty of 1830 must still regulate Turco-American relations. The situation was still further complicated when in April 1917 Turkey broke off diplomatic relations with the United States. The American and Turkish Ambassadors were recalled from Constantinople and Washington respectively and since that time regular channels of communication have not been re-established. In 1919, however, Rear-Admiral Mark L. Bristol received an appointment in Constantinople to act as American High Commissioner to Turkey without the rights or position of an ambassador, while the Spanish ambassador at Washington has been entrusted with supervision of Turkish interests in this country.

The Great War ushered in a number of important changes in the Near East. Two of the most striking of these were a thorough-going partition of the former Ottoman Empire and a revolution within Turkey itself, resulting in the creation of a

nationalist republican government at Angora to take the place of the weak imperial government at Constantinople which had been utterly at the mercy of the European Powers. The latter had been forced to submit first to an interallied military occupation and administration of Constantinople and subsequently to the humiliating Treaty of Sèvres (August 10, 1920). According to this treaty Constantinople was to be governed by an international commission; the port of Smyrna was to be given to Greece; a portion of the Eastern Provinces was to be ceded to Armenia; German interests in Turkey were to be transferred to the Allies; the Capitulations, declared at an end by the Sultan in 1914, were to be restored in judicial matters until a satisfactory program of judicial reform had been devised by an *ad hoc* commission; reparations were to be exacted of Turkey; and control of Turkish financial affairs was to be placed in the hands of an interallied commission.

#### RISE OF MUSTAPHA KEMAL

The Treaty of Sèvres was never effective, however. For while it was being drawn up by the victorious Allies and imposed upon the submissive Sultan at Constantinople, there was growing up in Anatolia under the leadership of Mustapha Kemal Pasha a vigorous Nationalist movement. The Nationalists, spurred to action by the harshness of the proposed peace and sustained by their own solemn commitments in the National Pact to uphold the territorial, political and economic integrity of Turkey, launched a fresh military campaign that resulted in driving the French from the territory they occupied in Cilicia, and regained for Turkey a substantial portion of the territory which, according to the plans of the Allies and the terms of the Wilson award, was to have been retained by the Armenian Republic under guarantee of the League of Nations. Italian troops were dislodged from Konia and eventually driven from the country altogether. Some months later (September, 1922) the Greeks, who had attempted to extend the sphere of their jurisdiction from Smyrna toward Angora and Constantinople, were defeated and driven out of Turkey.

In November 1922 when the victorious Nationalists entered Constantinople it be-

came evident that the Treaty of Sèvres had been effectively disposed of, and that the vigorous action of the Nationalists had made inevitable a re-drafting of peace terms on a basis less favorable to the Allies than the former treaty had been. Accordingly a conference was called at Lausanne in November 1922 to draw up fresh terms of settlement. Three months of negotiation followed, during which it became apparent that the Turkish delegation was determined to abide by the cardinal points of the National Pact. Standing on Turkey's rights as an independent state, it remained firmly opposed to restrictions inimical to Turkey's development in political, judicial and financial matters. The Allies were reluctant to acknowledge the necessity of making important concessions to Nationalist Turkey, and in February 1923 the conference broke up without reaching an agreement. In April, however, negotiations were resumed and the Allies, convinced of the impossibility of re-establishing the degree of economic control they had hoped to exercise except through recourse to renewed warfare, agreed to modify their claims. Peace was signed on July 24, 1923.

#### TERMS OF AGREEMENT BETWEEN ALLIES AND TURKEY

A general treaty together with thirteen other treaties, protocols and conventions, formed the basis of the Lausanne agreement between Turkey and the Allies. Turkey was recognized as a sovereign and independent state. The Capitulations were abolished. Reparations were mutually renounced, and foreign control of Turkish customs revenues was done away with.

To offset these gains, which Turkey considered a fundamental part of any peace to which it would consent, concession was made to the Allies in the relinquishment of large portions of the former Ottoman Empire, in the creation of a demilitarized zone on both sides of the Straits, and in the securing of free navigation of the Straits to the ships of all countries in time of peace and to the vessels of neutral countries in time of war.

In pursuance of the policy adopted by European powers during the nineteenth century of demanding guarantees for the protection of minorities in Turkey, the Allies

included in the general treaty a clause providing that there should be equality before the law and full protection of life, liberty and property for all inhabitants of Turkey without distinction of birth, nationality, language, race or religion. Equal civil and political rights were assured to all and permission was guaranteed for the establishment, maintenance, and control of religious, philanthropic and social institutions by minority groups. Freedom of social customs, including family law and personal status, was also safeguarded. The chief difference between the minority clauses of the Lausanne treaties and those of the Treaty of Paris (1856) and the Treaty of Berlin (1878) lies in the fact that their enforcement is now placed under the guarantee of the League of Nations. Any member of the Council of the League is given the right to bring to the attention of the Council any infraction or danger of infraction of Turkey's obligations to minority groups, and the Council may "take such action and give such directions as it may deem proper and effective in the circumstances."

In this connection it should be noted that the new constitution of the Turkish Republic, adopted April 20, 1924, has incorporated in its section on Public Law clauses which are the virtual equivalent of the minorities section of the Lausanne treaty. Article 75, for example, begins, "No one may be molested on account of his religion, his sect, his ritual, or his philosophic convictions." Article 88, which concludes the section safeguarding personal rights of citizens, provides that "the name Turk, as a political term, shall be understood to include all citizens of the Turkish Republic without distinction of or reference to race or religion."

#### THE STATUS OF ARMENIA

There is no repetition in the Allied-Turkish treaty of the requirement provided by the Treaty of Sèvres that Turkey should make territorial concessions to Armenia. How that demand came to be made in 1920 and why it was relinquished in 1923 is a story of interest to Americans, both because of the special rôle played by American philanthropy in the alleviation of suffering among Armenians and because of President

Wilson's share in the political negotiations affecting the status of Armenia.

Prior to 1914 Armenia was unequally divided between Russia, Persia and Turkey, the great majority of Armenians being situated within Ottoman territory. The problem of Armenian minorities in Turkey was particularly difficult because in none of the four so-called Armenian vilayets were the Armenians a majority of the population. It was the actual or potential problem presented during the war by disaffected Armenian communities living within Ottoman jurisdiction that led the Turkish government in 1915 to initiate a policy of wholesale Armenian deportations, in practice often accompanied by violence and massacre. The deportations were checked in 1916 by temporary military successes of Russian and Russian-Armenian troops on the eastern front. In 1917, however, after the Russian collapse, Turkey retrieved its losses in the east and was about to annex the portion of Armenia formerly under Russian jurisdiction when Germany intervened and created the independent Republic of Erivan under an Armenian government of the Dashnag or Federationist party.

#### ALLIES ABANDON ARMENIAN CAUSE

It was this newly-established Armenia which the originators of the Treaty of Sèvres intended to enlarge by the union with it of portions of the Eastern Vilayets of Turkey. The problem of preserving the territorial integrity of an enlarged Armenia was realized to be a difficult one. Major-General James G. Harbord, whom President Wilson had despatched to Armenia in 1919 to study the necessities of the situation, had presented a report which indicated that it would be desirable for the proposed American mandate to include all of Anatolia and the city of Constantinople rather than Armenia alone. The suggestion of a mandate for Turkey was not adopted by the Supreme Allied Council, but a serious attempt was made in the spring of 1920 to secure the integrity of Armenia by placing it under an American mandate. When the American Senate refused to accept this responsibility it was suggested as an alternative means of protection that Armenia be

admitted at an early date to membership in the League of Nations.

About this time, President Wilson was appointed an arbitrator under the provisions of the Treaty of Sèvres to determine the location of the Turco-Armenian boundary. By the terms of his arbitral award the important cities of Trebizond, Erzeroum, Bitlis and Van, together with their hinterlands, all formerly within Turkish territory, were attributed to Armenia. Meanwhile, with nothing but the repudiated Treaty of Sèvres and a poorly-disciplined Armenian army to stand between it and the advancing troops of Mustapha Kemal Pasha, the Armenian Government was placed in an awkward position. In November 1920 Turkish troops had overrun the republic and all but reached the capital. Repeated appeals to the League of Nations secured no practical assistance. Rumania suggested the recruiting of an expeditionary force of 40,000 from all countries members of the League in proportion to their population. A Commission of the Assembly of the League suggested a loan to enable Armenia to help itself. The Council of the League appealed to President Wilson for his personal mediation to end hostilities between Turkey and Armenia. But for various reasons none of these suggestions were carried out.

#### **RUSSIA SAVES ARMENIA**

Meanwhile the situation in Armenia was undergoing a rapid change. Its democratic republican government, forced to sign a disastrous peace with Turkey, was practically repudiated by the people, who permitted a Bolshevik group to assume office in Erivan. The Bolshevik administration, unpopular at first, succeeded through changes in its personnel in winning the support of the inhabitants and in attracting again to the capital the majority of the twenty thousand men and boys who had previously fled from Erivan to escape anticipated Bolshevik persecutions. Since that time the Armenian Republic has been immune from attacks on its western border, an agreement having been reached between Turkey and Russia in March 1921 whereby friendly relations were established between the two countries.

Thus the Armenian Republic, though in a secure position, was restricted to a terri-

tory very considerably smaller than the national home advocated by the League, visualized by President Wilson, theoretically established by the Treaty of Sèvres but ineffectively supported by Western nations. The Armenian Republic under effective Russian protection has already received and is in process of assimilating over 438,000 Armenian refugees from the west. The number of refugees still dispersed throughout Syria, Constantinople, Greece and other parts of the Near East urgently in need of repatriation is estimated by Dr. Fridtjof Nansen, League Commissioner to study the question of Armenian refugee settlement, to total approximately 265,000. The Armenian government is planning to receive 7,000 more refugees from Greece, Constantinople and Mesopotamia in the current year, but although, as Dr. Nansen reports, "the country is really developing steadily under an apparently stable government, the situation is quiet in the interior and on the frontiers, the population is industrious and hard-working, the land rich in soil, water-power and mineral wealth," it is obviously impossible for it to undertake to absorb at once the whole of the Armenian refugee colonies of the Near East, many of whom are being supported through the generosity of the American people in the various asylums where they have found refuge.

#### **CHANGING ASPECT OF THE NEAR EAST**

Thus a study of historical material indicates a remarkable and rapid alteration in the aspect of Near Eastern affairs. The Allied-Turkish treaties of Lausanne now in force and the pending Turco-American Treaty of Amity and Commerce represent a distinct phase in the evolutionary process whereby Turkey has been emerging from the tutelage of western nations. They are far removed in spirit and letter from the abortive Treaty of Sèvres, whose terms were even less liberal than those of the Treaty of Versailles. The treaties represent mutual concessions, whereby Turkey gains the status of an independent nation and the Allies secure various specific privileges as well as acquiring control over wide territories formerly under the Ottoman Empire. The United States, according to the terms of the pending treaty, acquiesces in

the mutual concessions which establish a *modus vivendi* between the nations of the West and a Turkey newly established as a sovereign independent state. Whether or not the United States ratifies the pending treaty in its present form there is no ques-

tion that this country will join in the relinquishment by Western Powers of the time-honored policy of imposing an outside control upon Turkey primarily for the safeguarding of foreign interests, whether economic or imperial.

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